

02:00:03 1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF DELAWARE

3 UNITED STATES OF AMERICA, )  
4 )  
5 Plaintiff, ) ) C.A. No. 19-cr-57-RGA  
6 v. )  
7 )  
8 STEPHEN WILLIAMS, )  
9 )  
10 Defendant. )

11 Friday, May 24, 2019  
12 2:00 p.m.  
13 Plea Hearing

14 844 King Street  
15 Wilmington, Delaware

16 BEFORE: THE HONORABLE RICHARD G. ANDREWS  
17 United States District Court Judge

18 APPEARANCES:

19 UNITED STATES ATTORNEY'S OFFICE  
20 BY: LAURA D. HATCHER, ESQ.

21 Counsel for the Plaintiffs

22 LAW OFFICE OF DINA CHAVAR  
23 BY: DINA CHAVAR, ESQ.

24 Counsel for the Defendant

02:06:11 1 THE COURT: All right. Please be seated.

02:06:13 2 Ms. Hatcher.

02:06:14 3 MS. HATCHER: Good afternoon, Your Honor. Laura  
02:06:16 4 Hatcher on the behalf of the United States. Now is the time  
02:06:18 5 for the hearing in the matter of United States versus  
02:06:20 6 Stephen Williams, Criminal Action Number 19-57. The  
02:06:25 7 Defendant is present with his counsel and the government is  
02:06:27 8 prepared to proceed.

02:06:28 9 If we may, Your Honor, I have a signed  
02:06:30 10 Memorandum of Plea Agreement with sealed Attachment A and  
02:06:33 11 waiver of indictment that I would like to hand up.

02:06:51 12 THE COURT: All right. That will be good.

02:07:01 13 Okay. Ms. Chavar and Mr. Williams, can you come  
02:07:05 14 forward?

02:07:06 15 MS. CHAVAR: Certainly.

02:07:18 16 THE COURT: Good afternoon, Mr. Williams.

02:07:21 17 THE DEFENDANT: Good afternoon.

02:07:21 18 THE COURT: How are you today?

02:07:22 19 THE DEFENDANT: I'm well. How are you?

02:07:24 20 THE COURT: Good.

02:07:25 21 So I understand that you intend to enter a  
02:07:27 22 guilty plea pursuant to this Memorandum of Plea Agreement.

02:07:31 23 It's my responsibility to make sure that your plea of guilty  
02:07:34 24 is knowing and voluntary. So I'm going to ask you a series  
02:07:38 25 of questions so I can be sure that that is the case. I'm

02:07:42 1 going to first have you take an oath to answer all of my  
02:07:46 2 questions truthfully. It's important to answer truthfully.  
02:07:49 3 If you answer any of the questions falsely, your false  
02:07:51 4 answer may later be used against you in a separate  
02:07:55 5 prosecution for perjury.

02:07:56 6 Do you understand all that?

02:07:57 7 THE DEFENDANT: Yes, sir.

02:07:58 8 THE COURT: Can we administer an oath.

02:08:01 9 (Oath administered to the Defendant and the  
02:08:11 10 Defendant affirmed.)

02:08:11 11 THE COURT: So Mr. Williams, what is your full  
02:08:14 12 name?

02:08:15 13 THE DEFENDANT: Stephen McCale Williams.

02:08:17 14 THE COURT: Okay. And what's your date of  
02:08:19 15 birth?

02:08:19 16 THE DEFENDANT: 5/29/83.

02:08:22 17 THE COURT: All right. So you're thirty-five.

02:08:26 18 THE DEFENDANT: Yes, I'll be thirty-six  
02:08:28 19 Wednesday.

02:08:28 20 THE COURT: Okay. How far did you go in school?

02:08:31 21 THE DEFENDANT: I'm working on my second masters  
02:08:33 22 degree as we speak.

02:08:34 23 THE COURT: Okay. I take it from what I have  
02:08:38 24 heard so far that you speak and understand English?

02:08:41 25 THE DEFENDANT: Yes, sir.

02:08:42 1 THE COURT: I have to ask these questions. So  
02:08:46 2 are you having any trouble understanding me so far?

02:08:48 3 || THE DEFENDANT: No, sir.

02:08:49 4 THE COURT: Have you ever been treated for any  
02:08:52 5 mental illness?

02:08:53 6 THE DEFENDANT: No, sir.

02:08:53 7 THE COURT: Have you ever been treated for  
02:08:56 8 addiction to alcohol or drugs of any kind?

02:08:58 9 || THE DEFENDANT: No, sir.

02:08:59 10 THE COURT: Are you presently under the  
02:09:01 11 influence of any alcohol, medication or drug of any kind?

02:09:04 12 || THE DEFENDANT: No, sir.

02:09:04 13 THE COURT: Do you understand what's going on  
02:09:06 14 today?

02:09:06 15 THE DEFENDANT: Yes, sir.

02:09:14 19 MS. CHAVAR: No, Your Honor.

02:09:16 20 THE COURT: So have you, Mr. Williams, received  
02:09:18 21 a copy of the Information pending against you in this case?  
02:09:25 22 That's the document with the formal written charge.

02:09:28 23 THE DEFENDANT: Yes, sir.

02:09:29 24 THE COURT: And have you fully discussed the  
02:09:34 25 charge and the case in general with your attorney,

02:09:37 1 Ms. Chavar?

02:09:38 2 THE DEFENDANT: Yes, sir.

02:09:39 3 THE COURT: Have you had enough time to talk to  
02:09:41 4 her about anything you want to talk to her about?

02:09:44 5 THE DEFENDANT: Yes, sir.

02:09:45 6 THE COURT: So an Information is different than  
02:09:50 7 indictment. You and any defendant have the right to be  
02:09:54 8 charged by an indictment which is returned by a grand jury.  
02:09:59 9 A grand jury is a group of citizens who determine that it is  
02:10:03 10 more probable than not that you committed the crime charged.

02:10:07 11 The charges in the Information on the other hand  
02:10:10 12 are not reviewed by a grand jury, they're simply written up  
02:10:15 13 by the government's attorney. So you can waive indictment  
02:10:17 14 and if you do, then you're giving up your right to have the  
02:10:21 15 grand jury act as a safeguard against prosecutorial abuse.  
02:10:27 16 Do you understand all that?

02:10:27 17 THE DEFENDANT: Yes, sir.

02:10:28 18 THE COURT: Have you discussed the waiver of  
02:10:29 19 indictment with Ms. Chavar?

02:10:31 20 THE DEFENDANT: Yes, sir.

02:10:31 21 THE COURT: Have you also signed a document  
02:10:34 22 which is two-pages long captioned Waiver of Indictment  
02:10:42 23 earlier today indicating that you waive indictment?

02:10:46 24 THE DEFENDANT: Yes, sir.

02:10:46 25 THE COURT: Is that, in fact, what you want to

02:10:48 1 do is to waive indictment?

02:10:49 2 THE DEFENDANT: Yes, sir.

02:10:50 3 THE COURT: All right. Nobody is forcing you or  
02:10:54 4 made you any promises to cause you to do this; is that  
02:10:57 5 right?

02:10:57 6 THE DEFENDANT: No, sir.

02:10:58 7 THE COURT: Okay. Well, I'm going to accept the  
02:11:03 8 waiver of indictment. I will hand the original to the clerk  
02:11:06 9 for filing.

02:11:07 10 Are you fully satisfied with the advice given to  
02:11:10 11 you by Ms. Chavar?

02:11:11 12 THE DEFENDANT: Yes, sir.

02:11:12 13 THE COURT: So I have also been handed this  
02:11:14 14 written Memorandum of Plea Agreement which on the seventh  
02:11:19 15 page has signatures in blue ink of the prosecutor and  
02:11:23 16 Ms. Chavar.

02:11:25 17 Did you also sign this earlier today?

02:11:27 18 THE DEFENDANT: Yes, sir.

02:11:27 19 THE COURT: And before you signed it, did you  
02:11:30 20 read the whole thing?

02:11:31 21 THE DEFENDANT: Yes, sir.

02:11:32 22 THE COURT: Did you discuss it with Ms. Chavar?

02:11:36 23 THE DEFENDANT: Yes, sir.

02:11:37 24 THE COURT: Do you think you understand what  
02:11:39 25 your agreement with the government is?

02:11:40 1 THE DEFENDANT: I do.

02:11:41 2 THE COURT: And when you were talking with  
02:11:42 3 Ms. Chavar about it, if there were any parts that were  
02:11:49 4 unclear or that you just wanted more explanation about, did  
02:11:53 5 you tell her about them?

02:11:54 6 THE DEFENDANT: Yes, sir.

02:11:55 7 THE COURT: And she then provided explanation?

02:11:57 8 THE DEFENDANT: Yes, sir.

02:11:57 9 THE COURT: So you understand the agreement  
02:12:04 10 between you and the government is exactly what's written  
02:12:07 11 down in this agreement, nothing less and nothing more?

02:12:09 12 THE DEFENDANT: Yes, sir.

02:12:10 13 THE COURT: All right. So I'm going to ask the  
02:12:12 14 prosecutor to summarize the essential terms of the plea  
02:12:17 15 agreement. I'm going to ask you after she's done whether  
02:12:20 16 she said anything that is different than your understanding  
02:12:23 17 of what your agreement is. So let's do that.

02:12:34 18 Ms. Hatcher, what are the essential terms of the  
02:12:36 19 plea agreement?

02:12:37 20 MS. HATCHER: Yes, Your Honor.

02:12:38 21 Paragraph 1, the Defendant agrees to waive  
02:12:40 22 indictment and enter a voluntary plea of guilty to one count  
02:12:43 23 of an information charging him with threat or bribery  
02:12:47 24 concerning programs receiving federal funds, in violation of  
02:12:50 25 18 USC Section 666(a) (2).

Paragraph 2. The Defendant understands that the charge against him carries the following maximum statutory penalties: Ten years of imprisonment; a \$100 special assessment; three years of supervised release; restitution; and a fine of twice the gross monetary loss to the victim.

In paragraph 3, the Defendant understands that if we were to proceed to trial, the government would have to prove beyond a reasonable doubt the following elements of the offense, that there was a Person 1 who was an agent of the University A; University A received federal benefits in excess of \$10,000 in a one-year period; Defendant gave a thing of value, here cash payment, to Person 1; Defendant acted corruptly with the intent to influence Person 1 with respect to a transaction or series of transactions concerning University A; the value of the transaction or series to transactions to which payment was related was at least \$5,000. And he knowingly, voluntarily, and intelligently admits his guilt to each of the above described elements.

In paragraph 4, the Defendant admits he's pleading guilty because he is, in fact, guilty.

In paragraph 5, the parties have stipulated and agreed the loss amount to the victim is between 1.5 and \$3.5 million.

In paragraph 6, the United States agrees that in

02:14:03 1 consideration of Defendant's guilty plea, it will not oppose  
02:14:07 2 a two-level reduction in the Offense Level related to the  
02:14:12 3 sentencing guidelines, or a three-level reduction if it  
02:14:15 4 turns out the sentences guidelines are 16 or greater.

02:14:20 5 In paragraph 7, the Defendant understands that  
02:14:22 6 the Court will sentence him in accordance with the  
02:14:24 7 sentencing factors set forth in 18 USC, Section 3553(a), and  
02:14:27 8 he understands that the sentencing will be left up to the  
02:14:31 9 Judge who may impose a sentence that exceeds, falls below,  
02:14:34 10 or is contained within the guidelines. And that if that  
02:14:37 11 sentence is different than that which the Defendant  
02:14:39 12 expects, that is not a reason to withdraw his guilty plea.

02:14:42 13 Paragraph 8, the United States retains the right  
02:14:45 14 to make whatever recommendation at the time of sentencing  
02:14:47 15 that it believes are appropriate.

02:14:49 16 Paragraph 9, incorporates Attachment A and any  
02:14:52 17 terms thereto which are filed under seal to the Court and  
02:14:55 18 the parties agree to be bound by those terms.

02:14:58 19 Paragraphs 10 and 11 and subparts relate to  
02:15:01 20 forfeiture and restitution and the Defendant's obligations  
02:15:04 21 to comply with forfeiture requirements and financial  
02:15:09 22 disclosure.

02:15:10 23 In paragraph 12, the Defendant agrees to waive  
02:15:14 24 constitutional and statutory challenges pending forfeiture.

02:15:19 25 In paragraph 13, the Defendant voluntarily and

02:15:23 1 expressly waives the right to file an appeal, collateral  
02:15:27 2 attack or other writ or position after sentencing including  
02:15:30 3 but not limited to an appeal under 18 USC, Section 3742, or  
02:15:37 4 28 USC, Section 1291, or a motion under 28 USC, Section  
02:15:39 5 2255. Notwithstanding the foregoing, the Defendant reserves  
02:15:43 6 his right to file an appeal for ineffective assistance of  
02:15:46 7 counsel or to appeal if the government appeals, or if the  
02:15:50 8 Defendant's sentence exceeds that set forth in the maximum  
02:15:54 9 sentencing penalties or reasonably exceeds the sentencing  
02:15:56 10 guidelines.

02:15:57 11 In paragraph 14, the Defendant agrees to pay a  
02:16:00 12 special assessment of \$100 at the time of sentencing.

02:16:03 13 And in paragraph 15, the parties understand that  
02:16:07 14 this memorandum together with any terms in Attachment A  
02:16:13 15 supercede all prior promises and are the final products of  
02:16:15 16 the parties.

02:16:16 17 THE COURT: Thank you, Ms. Hatcher.

02:16:18 18 So Mr. Williams, is there anything that the  
02:16:21 19 prosecutor said about what's in the agreement that is  
02:16:23 20 different than your understanding of what's in the  
02:16:25 21 agreement?

02:16:26 22 THE DEFENDANT: No, sir.

02:16:26 23 THE COURT: And the prosecutor referenced this  
02:16:31 24 Attachment A which is filed under seal. Do you know what  
02:16:38 25 Attachment A says?

02:16:40 1 THE DEFENDANT: Yes.

02:16:40 2 THE COURT: Okay. And you agree that that's  
02:16:42 3 correct?

02:16:43 4 THE DEFENDANT: Yes.

02:16:43 5 THE COURT: All right. So the written plea  
02:16:55 6 agreement, does that accurately reflect the agreement you  
02:16:59 7 have reached with the government?

02:17:01 8 THE DEFENDANT: Yes, sir.

02:17:01 9 THE COURT: Has anyone made you any promises  
02:17:03 10 that are not contained in the written plea agreement?

02:17:06 11 THE DEFENDANT: No, sir.

02:17:06 12 THE COURT: And has anyone threatened you or  
02:17:09 13 forced you in any way to enter into the written plea  
02:17:12 14 agreement?

02:17:13 15 THE DEFENDANT: No, sir.

02:17:13 16 THE COURT: Do you understand that you are under  
02:17:15 17 oath now so you're not going to be able to tell me later  
02:17:18 18 that you were promised something in order to plead guilty  
02:17:22 19 because you're telling me now you weren't?

02:17:24 20 THE DEFENDANT: Yes, sir.

02:17:24 21 THE COURT: You understand that?

02:17:25 22 THE DEFENDANT: I understand.

02:17:26 23 THE COURT: So I take it you're a U.S. citizen?

02:17:30 24 THE DEFENDANT: Yes, sir.

02:17:30 25 THE COURT: And is this the first time you ever

02:17:33 1 pleaded guilty to a felony?

02:17:35 2 THE DEFENDANT: Yes, sir.

02:17:36 3 THE COURT: So do you understand that a felony  
02:17:40 4 offense which this is causes the loss of valuable civil  
02:17:45 5 rights such as the right to vote, the right to hold public  
02:17:48 6 office, the right to serve on a jury and the right to  
02:17:50 7 possess any kind of firearm or ammunition?

02:17:54 8 THE DEFENDANT: Yes, sir.

02:17:54 9 THE COURT: The maximum penalty that could be  
02:17:57 10 imposed by statute are set forth in paragraph two of the  
02:18:00 11 plea agreement, they include, and this is the maximum, 10  
02:18:03 12 years of imprisonment, a \$100 special assessment, three  
02:18:07 13 years of supervised release, restitution in an amount that's  
02:18:13 14 not really known at this time, and a fine of twice the gross  
02:18:19 15 monetary loss to the victim which based on the conduct you  
02:18:24 16 agreed to in paragraph 5 is probably somewhere between \$3  
02:18:31 17 million and \$7 million. Do you understand that?

02:18:33 18 THE DEFENDANT: Yes, sir.

02:18:37 19 THE COURT: Now, and Ms. Chavar, have you talked  
02:18:40 20 about how your sentencing may play out?

02:18:44 21 THE DEFENDANT: Yes.

02:18:45 22 THE COURT: And have you discussed or are you  
02:18:49 23 familiar at this point with something called the United  
02:18:52 24 States Sentencing Guidelines?

02:18:53 25 THE DEFENDANT: Yes, sir.

02:18:53 1 THE COURT: And so do you understand that before  
02:18:58 2 we get to sentencing, the United States Probation Office  
02:19:02 3 will prepare a presentence investigation report for the  
02:19:06 4 Court and then both you and the government will have a  
02:19:09 5 chance to review that part and to challenge any of the facts  
02:19:12 6 that are contained in it?

02:19:13 7 THE DEFENDANT: Yes, sir.

02:19:14 8 THE COURT: When we actually get to sentencing  
02:19:16 9 which will probably be no earlier than like late August,  
02:19:20 10 maybe beyond that, basically there a process we'll go  
02:19:26 11 through at the beginning of the sentencing which will start  
02:19:31 12 with this presentence report that's been prepared. And in  
02:19:34 13 it, it will have the probation officer's estimate of the  
02:19:37 14 sentencing guidelines that apply to you. Do you understand  
02:19:40 15 that?

02:19:40 16 THE DEFENDANT: Yes, sir.

02:20:06 1 THE COURT: So the second step is either you or  
02:20:08 2 the government can do what's called make a motion for  
02:20:12 3 departure from the guidelines which is when based on things  
02:20:15 4 that are in the guidelines themselves, you asked to go above  
02:20:21 5 or below what that guideline range is. And if either side  
02:20:27 6 makes such a motion, I'll consider it. If I grant it, I'll  
02:20:30 7 tell you how that affects my view of where we're at in terms  
02:20:33 8 of the sentencing guidelines. Do you understand that?

02:20:35 9 THE DEFENDANT: Yes, sir.

02:20:36 10 THE COURT: And then the third thing is either  
02:20:38 11 you or the government can do what's called request a  
02:20:41 12 variance which is when based on the statute that tells me  
02:20:47 13 the various things that I'm supposed to consider in  
02:20:51 14 sentencing anybody, they make -- there is argument that  
02:20:56 15 sentence should be above or below whatever that last  
02:20:59 16 guideline range was we had, and if there is a request for a  
02:21:04 17 variance, I'll consider it and explain why I'm going to  
02:21:08 18 grant it or not going to grant it. And so that's kind of  
02:21:16 19 the procedural part of the sentencing. Does that all sound  
02:21:19 20 familiar to you?

02:21:20 21 THE DEFENDANT: Yes, sir.

02:21:20 22 THE COURT: And at the sentencing, your  
02:21:23 23 attorney, the government's attorney and you yourself will  
02:21:26 24 have a chance to speak to me about what you think an  
02:21:28 25 appropriate sentence is. All right?

02:21:31 1 THE DEFENDANT: Yes, sir.

02:21:32 2 THE COURT: Do you need some water, Ms. Hatcher?

02:21:43 3 MS. HATCHER: I do. I apologize, Your Honor.

02:21:47 4 **Allergies.**

02:21:58 5 THE COURT: All right. Mr. Williams, so do you

02:22:03 6 understand that in the plea agreement, you're waiving most

02:22:07 7 if not all of your rights to appeal the sentence that I

02:22:11 8 impose?

02:22:12 9 THE DEFENDANT: Yes, sir.

02:22:13 10 THE COURT: And in fact it's broader than just

02:22:16 11 appeal, because sometimes people file what is popularly

02:22:22 12 known as a writ of habeas corpus. You're waiving your right

02:22:26 13 to that, too. Do you understand that?

02:22:27 14 THE DEFENDANT: Yes, sir.

02:22:27 15 THE COURT: So to be more precise, paragraph 13

02:22:39 16 sets forth exactly what the waiver is. And essentially the

02:22:43 17 way it's set up, Mr. Williams, is it says, I'm not using the

02:22:49 18 language of the law here, but it says you give up all your

02:22:52 19 rights to complain about the sentence that I impose -- by

02:22:56 20 complain, I mean try to do something about it legally --

02:23:00 21 with very limited exceptions. Do you understand that's kind

02:23:03 22 of the way it's set up, you're giving up everything, but a

02:23:06 23 little bit you're keeping. And the little bit that you're

02:23:10 24 keeping is that you can file a motion or appeal if you're

02:23:14 25 raising a claim that Ms. Chavar provided ineffective

02:23:17 1 assistance of counsel, and you can appeal if the government  
02:23:22 2 appeals, or if your sentence exceeds the statutory maximum  
02:23:28 3 for the offense set forth in the United States Code, or if  
02:23:31 4 the sentence unreasonably exceeds the sentencing guidelines  
02:23:35 5 range determined by the United States Sentencing Guidelines.  
02:23:41 6 Do you understand the little bit of rights that you're  
02:23:43 7 keeping?

02:23:44 8 THE DEFENDANT: Yes, sir.

02:23:44 9 THE COURT: Okay. And essentially if the  
02:23:58 10 sentence you get is more severe than what you expect, or you  
02:24:02 11 think it's unfair and harsh, basically you're going to have  
02:24:07 12 -- there is nothing you can do about it, unless you fit into  
02:24:11 13 one of those little categories. Do you understand that?

02:24:14 14 THE DEFENDANT: Understood.

02:24:16 15 THE COURT: Do you also understand that there is  
02:24:17 16 no parol in the federal system. You're not going to be  
02:24:24 17 released on parole.

02:24:26 18 THE DEFENDANT: Yes, sir.

02:24:27 19 THE COURT: Do you understand your sentence may  
02:24:28 20 include payment of a fine and/or payment of restitution, and  
02:24:35 21 it will certainly include the \$100 mandatory special  
02:24:39 22 assessment because that's mandatory. Do you understand  
02:24:41 23 that?

02:24:42 24 THE DEFENDANT: Yes, sir.

02:24:43 25 THE COURT: And there is also a forfeiture

02:24:46 1 provision in the plea agreement which I would think is --

02:24:56 2 MS. CHAVAR: I believe it's paragraph 10 through  
02:24:59 3 12, Your Honor.

02:25:00 4 THE COURT: Right.

02:25:02 5 MS. CHAVAR: Starting on page three.

02:25:04 6 THE COURT: Right. Has the government seized  
02:25:09 7 any property from you so far that you know of?

02:25:11 8 THE DEFENDANT: No, sir.

02:25:11 9 THE COURT: Okay. Well, if they haven't done so  
02:25:15 10 now, they're probably unlikely to do so, but in the event  
02:25:18 11 that they do, you're basically agreeing that you will do  
02:25:21 12 nothing to oppose it and that you'll do everything you can  
02:25:24 13 to help them forfeit your property. Do you understand that?

02:25:28 14 THE DEFENDANT: Yes, sir.

02:25:28 15 THE COURT: Okay. So Mr. Williams, you also  
02:25:32 16 understand that you don't have to plead guilty. You have  
02:25:36 17 the right to continue -- I guess you never actually entered  
02:25:41 18 a plea, but you can enter a plea of not guilty and we can  
02:25:46 19 schedule a trial by jury on the charge during which you  
02:25:50 20 would also have the right to the assistance of an attorney  
02:25:53 21 for your defense including the right to have an attorney  
02:25:56 22 appointed by the court if you couldn't afford one, you would  
02:25:59 23 have the right to see and hear all the witnesses and have  
02:26:01 24 them cross-examined in your own defense or in your defense,  
02:26:05 25 you would have the right on your own part not to testify

02:26:08 1 unless you voluntarily choose not to do so in your own  
02:26:11 2 defense, and you would have the right to compel the  
02:26:14 3 attendance of witnesses to testify on your behalf. Do you  
02:26:17 4 understand you have all of those rights?

02:26:18 5 THE DEFENDANT: Yes, sir.

02:26:20 6 THE COURT: And do you understand if there were  
02:26:22 7 a trial and you decided not to testify and not to put on any  
02:26:26 8 evidence, the fact that you didn't testify or didn't put on  
02:26:30 9 any evidence couldn't be used against you by the jury to  
02:26:33 10 convict you?

02:26:34 11 THE DEFENDANT: Yes, sir.

02:26:34 12 THE COURT: You further understand by entering a  
02:26:36 13 plea of guilty there is not going to be a trial?

02:26:39 14 THE DEFENDANT: Understood.

02:26:40 15 THE COURT: As a result you will have given up  
02:26:42 16 your right to a trial by jury as well as the other rights  
02:26:45 17 associated with the trial by jury.

02:26:47 18 THE DEFENDANT: Understood.

02:26:47 19 THE COURT: You also understand that if this  
02:26:50 20 case were to go to trial, it would be the government's  
02:26:53 21 burden to prove to the jury beyond a reasonable doubt each  
02:26:57 22 of the essential elements of the offense, and the jury  
02:27:01 23 before it could convict you, it would have to unanimously  
02:27:07 24 agree to your guilt?

02:27:07 25 THE DEFENDANT: Understood.

THE COURT: Now, the essential elements of the offense with which you're charged are stated in the plea agreement and were noted by the prosecutor. I'm going to note them again to make sure that you understand them.

Do you understand what the government would have to prove beyond a reasonable is that somebody else who the plea agreement calls Person 1 was an agent of the University.

Two. That the University received federal benefits in excess of \$10,000 in a one-year period.

Three. That the Defendant, that would be you,  
gave a thing of value, in particular cash, to Person 1.

Four. You acted corruptly with the intent to influence Person 1 with respect to a transaction or series of transactions of the University.

And five. That the value of the transaction or series of transactions to which the payment related was at least \$5,000.

It's kind of abstract if you don't know what's being talked about here, but do you understand that, in fact, that's what the government would have to prove in order to convict you of this crime?

THE DEFENDANT: Yes, sir.

THE COURT: And do you understand that if I accept a guilty plea, the government is not going to have to

02:28:46 1 prove anything because you're admitting it all?

02:28:49 2 THE DEFENDANT: Yes, sir.

02:28:49 3 THE COURT: Are you pleading guilty of your own  
02:28:51 4 freewill because you are, in fact, guilty of this crime?

02:28:54 5 THE DEFENDANT: Yes, sir.

02:28:54 6 THE COURT: Can you tell me briefly what it is  
02:28:57 7 that you did that makes you think you should pleading guilty  
02:29:00 8 to this crime?

02:29:01 9 THE DEFENDANT: I assisted out of state students  
02:29:04 10 at Delaware State University in gaining in-state tuition or  
02:29:09 11 tuition free.

02:29:11 12 THE COURT: Did you assist them -- did part of  
02:29:12 13 that involve giving cash payments to an official at Delaware  
02:29:17 14 State University?

02:29:17 15 THE DEFENDANT: Yes, it did.

02:29:18 16 THE COURT: And that official that you gave the  
02:29:21 17 cash to had the power to change a student's in-state or  
02:29:29 18 out-of-state status?

02:29:30 19 THE DEFENDANT: Yes, sir.

02:29:31 20 THE COURT: And you gave this person -- and  
02:29:35 21 basically every time a student tuition was switched from out  
02:29:40 22 of state to in-state, do you have an idea of roughly how  
02:29:45 23 much money a semester or year that saved them?

02:29:48 24 THE DEFENDANT: I don't.

02:29:49 25 THE COURT: But it was multiple thousands of

02:29:51 1 dollars a year; right?

02:29:53 2 THE DEFENDANT: Yes.

02:29:53 3 THE COURT: And do you have an idea of  
02:29:56 4 approximately how many different students you assisted doing  
02:30:00 5 this?

02:30:01 6 THE DEFENDANT: I don't.

02:30:01 7 THE COURT: Was it more than ten?

02:30:03 8 THE DEFENDANT: Yes, it was more than ten.

02:30:06 9 THE COURT: All right. So I'm going to ask the  
02:30:14 10 prosecutor to summarize what the government would prove if  
02:30:18 11 the case went to trial. And listen carefully because I'm  
02:30:21 12 going to ask you afterwards whether she said anything that  
02:30:25 13 you significantly disagree with. Okay?

02:30:27 14 THE DEFENDANT: Yes, sir.

02:30:27 15 THE COURT: All right. Ms. Hatcher, what would  
02:30:29 16 the government prove if the case went to trial.

02:30:32 17 MS. HATCHER: Yes, Your Honor. Were this case  
02:30:34 18 to go to trial, the government would prove the following:

02:30:36 19 Stephen Williams was the leader of a scheme that  
02:30:39 20 he executed at Delaware State University whereby he would  
02:30:43 21 recruit DSU students --

02:30:43 22 THE COURT: Ms. Hatcher, a little bit slower.

02:30:45 23 MS. HATCHER: I apologize. I'll start from the  
02:30:48 24 beginning.

02:30:48 25 THE COURT: Okay.

02:30:49 1 MS. HATCHER: Stephen Williams was the leader of  
02:30:51 2 a scheme that he executed at Delaware State University  
02:30:54 3 whereby he would recruit DSU students to pay him a fee to  
02:30:58 4 make changes in their student registration from out-of-state  
02:31:01 5 residency to in-state residency. DSU is an institution that  
02:31:05 6 received federal funding in excess of \$10,000 during each of  
02:31:09 7 the years implicated by the co-defendants' conduct, that is,  
02:31:13 8 from at least 2013 to 2017. Williams is a DSU alumni.

02:31:18 9 Williams ran his residency scheme at DSU from  
02:31:21 10 approximately 2013 to 2017. To do so, Williams recruited  
02:31:25 11 DSU students who agreed to pay him a fee -- which fee varied  
02:31:30 12 from several hundred dollars to several thousand dollars --  
02:31:33 13 and in turn Williams created or oversaw the creation of  
02:31:37 14 false documentation, such as forged leases. Williams then  
02:31:37 15 delivered the forged documents to co-Defendant Crystal  
02:31:42 16 Martin, who was then an Associate Registrar at DSU, who  
02:31:46 17 placed the forged paperwork in the student's file,  
02:31:49 18 justifying the residency change she recorded in the  
02:31:52 19 university system. For each student that paid Williams a  
02:31:54 20 fee, Williams paid Martin a small portion of the money he  
02:31:58 21 collected. Although the total amount that Williams profited  
02:32:01 22 from his scheme is unknown, Williams paid Martin  
02:32:05 23 approximately \$70,000 over the course of four years.

02:32:07 24 Apart from his own direct student recruitment,  
02:32:10 25 Williams also provided discounts, free registration changes,

02:32:14 1 or small fees to "referral agents": DSU students who in  
02:32:20 2 turn recruited other DSU students to change their  
02:32:20 3 registration status.

02:32:23 4 The estimated cost to the public university of  
02:32:24 5 students improperly receiving in-state tuition as a result  
02:32:28 6 of the defendant's scream during the time period of 2013 to  
02:32:31 7 2017 exceeded \$3 million.

02:32:35 8 THE COURT: Do you know, Ms. Hatcher, how many  
02:32:39 9 different students we're talking about?

02:32:42 10 MS. HATCHER: An approximate standing here today  
02:32:45 11 is I think it was about 300.

02:32:48 12 THE COURT: Okay. All right. Did you hear  
02:32:54 13 anything there, Mr. Williams, that you disagree with?

02:32:58 14 MS. CHAVAR: Your Honor, if I may for  
02:33:00 15 Mr. Williams.

02:33:02 16 THE COURT: Sure.

02:33:03 17 MS. CHAVAR: So, Your Honor, many of the facts  
02:33:07 18 that Ms. Hatcher proffered are facts which we will address  
02:33:14 19 at sentencing, and I'll be more specific, so we do not admit  
02:33:19 20 to those today. Mr. Williams is here today to plead guilty.  
02:33:26 21 I would note that since my appointment to him of over a year  
02:33:30 22 ago, he always intended to plead guilty. That has never  
02:33:34 23 changed. The sticking point, though, was who the leader  
02:33:39 24 was.

02:33:39 25 THE COURT: Okay. Well, that's -- I'm going to

02:33:43 1 let you go, but that makes no difference whether he was a  
02:33:47 2 leader or follower for the purposes of today's proceeding.  
02:33:50 3 But I have invited you -- so you got a marker on leader.

02:33:54 4 MS. CHAVAR: Of course I understand that, Your  
02:33:56 5 Honor. But I'm not -- so that is the reason that we don't  
02:34:01 6 agree with all of those facts. And we will address them at  
02:34:05 7 sentencing.

02:34:05 8 THE COURT: That's fine. But the other things,  
02:34:08 9 the general gist of \$70,000 paid to Martin, \$3 million the  
02:34:14 10 University lost, 300 students, do you have any serious  
02:34:18 11 disagreement with those?

02:34:19 12 MS. CHAVAR: We don't have any serious  
02:34:21 13 disagreement. We have not challenged that paperwork. We  
02:34:24 14 have accepted what the government has told us and do not  
02:34:27 15 challenge it. And Mr. Williams is here today to say that  
02:34:33 16 he's guilty of engaging in a scheme with Ms. Martin where  
02:34:37 17 they collected a fee from students to have their  
02:34:42 18 out-of-state status changed to in-state. And in so doing it  
02:34:53 19 caused the theft of several funds of the University.

02:34:56 20 THE COURT: Other than that, is there anything  
02:34:59 21 you want to raise?

02:35:00 22 MS. CHAVAR: No, Your Honor.

02:35:00 23 THE COURT: Okay. All right. Well, as I have  
02:35:05 24 said, the question of who was the leader of this scheme is  
02:35:11 25 important to Mr. Williams and it is important to Ms. Martin

02:35:17 1 in terms of sentencing, but in terms of guilty plea it makes  
02:35:21 2 no difference who is the leader. So we can go ahead on that  
02:35:25 3 basis.

02:35:26 4 So Mr. Williams, because this is your first  
02:35:30 5 appearance in open court, you have the right to have the  
02:35:35 6 information read out loud. You also have the right to waive  
02:35:39 7 the reading of the information. What do you want to do?

02:35:43 8 THE DEFENDANT: I would like to waive it.

02:35:44 9 THE COURT: I will accept that.

02:35:46 10 Is there anything further, Ms. Chavar, that I  
02:35:50 11 should ask Mr. Williams before asking him how he now pleads?

02:35:53 12 MS. CHAVAR: No, Your Honor.

02:35:54 13 THE COURT: Mr. Williams, at this time how do  
02:35:56 14 you now plead to the charge that we have been discussing,  
02:36:00 15 theft and bribery concerning program receiving federal  
02:36:05 16 funds, guilty or not guilty?

02:36:06 17 THE DEFENDANT: Guilty.

02:36:07 18 THE COURT: It is the finding of the Court in  
02:36:09 19 the case of the United States versus Stephen Williams that  
02:36:12 20 the Defendant is fully competent and capable of entering an  
02:36:16 21 informed plea and his plea of guilty is a voluntary plea  
02:36:21 22 supported by an independent basis in fact containing each of  
02:36:26 23 the essential elements of the offense, therefore, his plea  
02:36:27 24 of guilty is accepted and he is now adjudged guilty of the  
02:36:31 25 offense.

02:36:32 1                   The last thing I need for him, for you in terms  
02:36:35 2 of the guilty plea today, Mr. Williams, is to sign the back  
02:36:38 3 of the information acknowledging your plea and then  
02:36:44 4 Ms. Chavar will come forward and get that. I will also sign  
02:36:47 5 the Memorandum of Plea Agreement indicating that I accept  
02:36:53 6 it.

02:37:09 7                   MS. CHAVAR: And now I'm handing up for the  
02:37:12 8 Court an executed acknowledgment of a guilty plea to the  
02:37:15 9 information.

02:37:16 10                  THE COURT: Thank you.

02:37:17 11                  THE CLERK: The plea has been entered.

02:37:18 12                  THE COURT: All right. So do we have a proposed  
02:37:23 13 sentencing day?

02:37:25 14                  COURT CLERK: I have Friday, September 6th,  
02:37:28 15 2019, at 9:00 a.m.

02:37:34 16                  THE COURT: Does that work --

02:37:38 17                  MS. CHAVAR: I am not available.

02:37:40 18                  THE COURT: Okay. So will you be available the  
02:37:46 19 following week?

02:37:47 20                  MS. CHAVAR: I am starting what is scheduled to  
02:37:52 21 be a six-week trial that first week in September.

02:37:58 22                  THE COURT: Okay. Set is that a trial here in  
02:38:02 23 Delaware?

02:38:02 24                  MS. CHAVAR: No, it's in federal court in  
02:38:04 25 Philadelphia.

02:38:08 1 THE COURT: So hold the thought, Ms. Chavar.

02:38:10 2 Ms. Hatcher, does it make any difference -- we  
02:38:17 3 can do one of two things. We could schedule it for  
02:38:20 4 September 6th and recognize that -- when does your trial  
02:38:25 5 actually start?

02:38:26 6 MS. CHAVAR: May I look at my calendar?

02:38:29 7 || THE COURT: Yes.

02:38:31 8 MS. CHAVAR: And the case is United States  
02:38:33 9 versus Rimes, it's before Judge Goldberg in the Eastern  
02:38:37 10 District Court. So the trial starts on the 9th. I have  
02:39:06 11 that -- those days blocked out for pretrial motions, but I  
02:39:11 12 can't say to Your Honor right now that I know that's going  
02:39:14 13 to be hearing dates. I think I blocked that, so I can --

THE COURT: Why don't we do this, unless

02:39:21 15 Ms. Hatcher has a different thought, which is why don't we  
02:39:27 16 schedule for September 6th at 9:00 a.m. We'll sort of get  
02:39:32 17 ready for it like it's that, but at some point if you  
02:39:36 18 determine either the court is going to need you on  
02:39:38 19 September 6th, or that even if the court doesn't need you,  
02:39:43 20 you can't possibly do justice for that client without being  
02:39:46 21 full-time working on that, I'll continue the sentencing.

02:39:51 22 MS. CHAVAR: Very well. Thank you, Your Honor.

02:39:52 23 THE COURT: Does that work for you, Ms. Hatcher?

02:39:54 24 MS. HATCHER: No objection, Your Honor.

02:39:55 25 THE COURT: So we'll schedule sentencing for

02:39:59 1       September 6, 2019, at 9:00 a.m. And as you just heard,  
02:40:03 2       Mr. Williams, and I mention this because I think in a few  
02:40:07 3       minutes I'm going to be releasing you on bail, you have to  
02:40:10 4       be here then unless you get confirmed word from your  
02:40:14 5       attorney or some other reliable person like a probation  
02:40:19 6       officer that we've postponed it for one reason or another.  
02:40:25 7       So that's the date.

02:40:27 8               Mr. Williams, we will get a written presentence  
02:40:30 9       report prepared by the probation office to assist me in  
02:40:33 10      sentencing. You will be asked to give information for the  
02:40:37 11      report and your attorney may be present with you when you do  
02:40:41 12      so if you wish.

02:40:42 13               You and your attorney will be able to read the  
02:40:45 14       presentence report and file any objections to it before the  
02:40:47 15      sentencing hearing. You and your attorney will have an  
02:40:50 16      opportunity to speak on your behalf at the sentencing  
02:40:53 17      hearing. If there is a victim of the offense, it seems like  
02:40:59 18      there is, it will have the opportunity to speak at the  
02:41:03 19      sentencing hearing.

02:41:04 20               And normally I would tell you that you and your  
02:41:07 21       attorney need to promptly contact the probation office to  
02:41:11 22      get the presentence process started, but we have a probation  
02:41:15 23      officer sitting in the courtroom so I think this counts.

02:41:19 24               So we need to decide what to do about bail. So  
02:41:30 25       I have been provided a pretrial services report, which is

02:41:41 1 six-pages long, and the probation office proposed order  
02:41:51 2 setting conditions of release. Are these documents that you  
02:41:53 3 all have, Ms. Chavar?

02:41:55 4 MS. CHAVAR: I have reviewed them, Your Honor,  
02:41:57 5 yes. I don't have a paper copy with me, but I'm familiar of  
02:42:01 6 what's in them.

02:42:02 7 THE COURT: Ms. Hatcher, does the government  
02:42:03 8 have any different position than essentially I can do just  
02:42:07 9 what the probation office has advised me to do?

02:42:11 10 MS. HATCHER: No, the government agrees with  
02:42:12 11 probation.

02:42:13 12 THE COURT: Ms. Chavar, are you comfortable with  
02:42:15 13 what the probation office has recommended?

02:42:17 14 MS. CHAVAR: Yes, Your Honor.

02:42:18 15 THE COURT: So Mr. Williams is dutifully in here  
02:42:23 16 today, I guess he's known about this for at least a year, so  
02:42:27 17 I don't think there is any risk of flight. And in terms of  
02:42:33 18 danger to the community and the way it's usually referred  
02:42:36 19 to, there is no evidence he's a danger to the community. So  
02:42:39 20 I'm going to release him on bail.

02:42:43 21 Mr. Williams, so I'm going to release you on  
02:43:00 22 bail. There are some conditions that the probation office  
02:43:04 23 thinks are appropriate which seem to be backed up by the  
02:43:07 24 report. Let me just tell you what they are. Most of them I  
02:43:11 25 don't think will be too hard for you.

02:43:13 1 So you got to submit to the supervision and  
02:43:18 2 report for supervision to the District of Delaware U.S.  
02:43:22 3 Probation Office no later than May 28th, which I think is on  
02:43:25 4 Tuesday. There is a telephone number which is in the order,  
02:43:31 5 (302)252-2950. I understand you're currently employed, but  
02:43:36 6 in case something happens, you have to continue to actively  
02:43:40 7 seek employment.

02:43:41 8 I guess you told me you're working on another  
02:43:46 9 degree. So one of the conditions is to continue or start an  
02:43:55 10 education program. More seriously here, you're not to  
02:44:01 11 obtain a passport or other international travel documents.  
02:44:05 12 In terms of your movements, travel is restricted to the  
02:44:11 13 District of Delaware which is the same as the State of  
02:44:14 14 Delaware, so Delaware and New Jersey, because I understand  
02:44:17 15 you work in New Jersey, but basically other than Delaware  
02:44:21 16 and New Jersey, you can't go anywhere. It actually says you  
02:44:32 17 can't go to New Jersey other than in relation to employment.  
02:44:36 18 Is that agreeable?

02:44:38 19 THE DEFENDANT: Yes.

02:44:38 20 THE COURT: So you're not to possess a firearm,  
02:44:44 21 destructive device, or other weapon.

02:44:46 22 THE DEFENDANT: No. I thought you asked if I  
02:44:49 23 was in possession of a firearm.

02:44:51 24 MS. CHAVAR: He thought you asked him if he had  
02:44:52 25 a firearm, and he said no.

02:44:54 1 THE COURT: In any event, so don't get one.

02:44:56 2 You're not to use alcohol excessively. I don't understand

02:45:03 3 you to have any drug history, but nevertheless, you may not

02:45:07 4 use or unlawful possess a narcotic drug or other controlled

02:45:12 5 substance unless prescribed by a licensed medical

02:45:16 6 practitioner. If the probation officer determines that you

02:45:20 7 need to submit to testing for a prohibited substance, you're

02:45:25 8 going to need to do that. Testing may be used with random

02:45:33 9 frequency for any form of prohibited substance. If there is

02:45:40 10 such testing, you must not obstruct or tamper with the

02:45:45 11 efficiency or accuracy of the prohibited substance screening

02:45:49 12 or testing.

02:45:49 13 So you're to report as soon as possible to the  
02:45:55 14 pretrial office, the supervising officer every contact with  
02:46:00 15 law enforcement personnel including arrest, questioning or  
02:46:05 16 traffic stops. If you get a speeding ticket, which I guess  
02:46:08 17 is not impossible for you, you need to call the probation  
02:46:12 18 office and tell them about it. Okay?

02:46:14 19 THE DEFENDANT: Yes, sir.

02:46:15 20 THE COURT: And you should continue to attend  
02:46:17 21 any counseling meetings or maintain sponsor reporting for  
02:46:25 22 any gambling issue. Okay?

02:46:28 23 THE DEFENDANT: Yes, sir.

02:46:29 24 THE COURT: So that's it. I'm going to sign  
02:46:31 25 this.

02:46:31 1 MS. CHAVAR: Excuse me, Your Honor. I think  
02:46:33 2 Mr. Williams had a question for me about New Jersey and  
02:46:36 3 travel. Mr. Williams is also a coach for football team in  
02:46:56 4 New Jersey, so I think that that only allows him to go where  
02:47:01 5 his employment in New Jersey, which is a school.

02:47:04 6 THE COURT: So I'm pretty -- I'm perfectly happy  
02:47:10 7 to say just Delaware and New Jersey, and I don't really care  
02:47:13 8 what you're doing in New Jersey as long as it's nothing that  
02:47:17 9 you wouldn't do in Delaware. Okay?

02:47:19 10 MS. CHAVAR: Thank you, Your Honor.

02:47:20 11 THE DEFENDANT: Thank you.

02:47:21 12 THE COURT: So let me just -- so I'm just going  
02:47:25 13 to make this travel restricted to the District of Delaware  
02:47:29 14 and the State of New Jersey. Okay?

02:47:36 15 MS. CHAVAR: Thank you, Your Honor.

02:47:37 16 THE COURT: All right. So I'm going to sign  
02:47:39 17 here. And so when we're finished, Mr. Williams, you'll have  
02:47:54 18 to sign in the appropriate place. But let me just finish  
02:47:59 19 here.

02:47:59 20 So we have a sentencing date. As I mentioned  
02:48:02 21 before, you do have to appear for the sentencing. Failure  
02:48:08 22 to appear as required is a new crime for which you could be  
02:48:12 23 sentenced to imprisonment. Further, if you fail to appear  
02:48:18 24 and we have to postpone the proceeding, you probably end up  
02:48:22 25 being arrested and then have to wait in jail for the

02:48:27 1 sentencing. So make sure you appear as required.

02:48:35 2 Is there anything further, Ms. Hatcher?

02:48:39 3 MS. HATCHER: No, Your Honor.

02:48:40 4 THE COURT: Ms. Chavar?

02:48:42 5 MS. CHAVAR: No, Your Honor.

02:48:43 6 THE COURT: All right. Well, then, I will

02:48:44 7 recess court. Mr. Williams, make sure you sign the

02:48:48 8 paperwork. We'll be in recess.

02:48:49 9 (Court recessed at 2:48 p.m.)

10

11 I hereby certify the foregoing is a true  
12 and accurate transcript from my stenographic notes in the  
13 proceeding.

14

/s/ Dale C. Hawkins  
14 Official Court Reporter  
15 U.S. District Court

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